



RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD AT 690 CHESTERFIELD PARKWAY WEST

SEPTEMBER 1, 2010

The meeting was called to order at 7:05 p.m.

Mayor Nations led everyone in the Pledge of Allegiance and followed with a moment of silent prayer.

A roll call was taken with the following results:

PRESENT

ABSENT

Mayor John Nations
Councilmember Barry Flachsbart
Councilmember Matt Segal
Councilmember Bruce Geiger
Councilmember Lee Erickson
Councilmember Mike Casey
Councilmember Randy Logan
Councilmember Bob Nation
Councilmember Connie Fults

APPROVAL OF MINUTES

The minutes of the August 16, 2010 Public Hearing and City Council meeting were submitted for approval. Councilmember Erickson made a motion, seconded by Councilmember Nation, to approve the MINUTES from both the Public Hearing and City Council meetings. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Nations formally announced his plans to resign as Mayor, following the October 18, 2010 City Council meeting, to accept a job as head of Metro. Mayor Nations commended City Council, City Administrator Mike Herring, and City staff for their tremendous work and said that it has been a privilege working with them. Mayor Nations thanked everyone who has supported him through the years and expressed his appreciation to the residents and volunteers. Mayor Nations stated that, by law, President Pro Tem Barry Flachsbart will become Acting Mayor, immediately following the October 18, 2010 City Council meeting, following Mayor Nations' resignation.

Councilmember Bruce Geiger stated that Mayor Nations set the bar high for whoever follows him. Councilmember Geiger said he looks forward to working with Councilmember Flachsbart serving as Acting Mayor. Councilmember Geiger announced his plans to seek election in April, 2010, to fill Mayor Nations' unexpired term.

Councilmember Mike Casey said he will miss Mayor Nations and expressed his support of Councilmember Geiger's candidacy for the Office of Mayor.

Councilmember Connie Fults said she will miss Mayor Nations and appreciates all the work he has done. Councilmember Fults offered her assistance to Councilmember Flachsbart, when he assumes the role of Acting Mayor. She said she is supporting Councilmember Geiger's candidacy for the Office of Mayor.

Councilmember Lee Erickson thanked Mayor Nations for his leadership, knowledge and service. Councilmember Erickson said he is supporting Councilmember Geiger's candidacy for the Office of Mayor.

Councilmember Matt Segal thanked Mayor Nations and Staff for their guidance through economic challenges. Councilmember Segal said he is supporting Councilmember Geiger's candidacy for the Office of Mayor.

Councilmember Bob Nation expressed his appreciation to Mayor Nations for his leadership. Councilmember Nation said he feels that Councilmember Geiger and Councilmember Flachsbart are both wonderful candidates for the Office of Mayor.

Councilmember Randy Logan expressed his appreciation to Mayor Nations for making things look easy when it really was not easy.

Councilmember Barry Flachsbart said that Mayor Nations has raised the bar and that he is not sure if anyone can fully fill the Mayor's shoes. Councilmember Flachsbart expressed his appreciation to Mayor Nations for offering his assistance while Councilmember Flachsbart serves as Acting Mayor.

COMMUNICATIONS AND PETITIONS

There were no Communications and Petitions.

APPOINTMENTS

There were no appointments.

COUNCIL COMMITTEE REPORTS

Planning/Public Works Committee

Councilmember Matt Segal, Chairperson of the Planning/Public Works Committee, reported that Bill No. 2802 (Amendment to City of Chesterfield Zoning Ordinance, Section 1003.168, regarding "Living or Human Signs") and Bill No. 2803 [P.Z. 03-2010, Suburbia Gardens (40-Timberlake SE, LLC)] will be considered for adoption under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Segal next reported that Bill No. 2807 (Adopting the 1997/2008/2009 Codes as amended and adopted by St. Louis County) will be read for the first time under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Segal next made a motion, seconded by Councilmember Geiger, to transfer \$690,000 from the Parks Sales Tax Fund Fund Reserves for the development of Eberwein Park, including infrastructure improvements, a dog park and a pavilion. A voice vote was taken with an affirmative result (Councilmember Nation voted "No") and the motion was declared passed.

Councilmember Segal announced that the next meeting of this Committee has been scheduled for Thursday, September 2, at 5:30 p.m.

Mayor Nations asked Director of Planning/Public Works Mike Geisel to come to the podium and respond to questions the Councilmembers might have regarding Bill No. 2802 (Amendment to City of Chesterfield Zoning Ordinance, Section 1003.168, regarding "Living or Human Signs"). In response to Councilmember Logan's inquiry, Mr. Geisel confirmed that under the terms of the ordinance as written, a living sign is allowed on the premises of the business and it depends on whether or not that business owns the lot that the business is on or whether or not the business has a lease on that ground and is part of the larger tract. Mr. Geisel said that the primary intent of this bill is to get the living signs off of the rights-of-way. Councilmember Logan said the City does not want to prohibit living signs; the City wants to control where businesses can have living signs to avoid traffic problems. Mr. Geisel said this would be communicated with the enforcement arm of the Police Department. In response to Councilmember Nation's inquiry, Mr. Geisel said a fund-raising event, such as a car wash, would be allowed to have living signs on the premises but would not be allowed in the right-of-way. City

Attorney Rob Heggie clarified that the discussion that City Council and the Planning/Public Works Committee have had with Staff has been directed to the health and safety issues raised by living signs, both to motorists and the individuals who are the living signs. In response to Councilmember Erickson's inquiry, Mr. Geisel stated that this item was an agenda item requested by City Council at the Committee level. It was discussed at the Committee and Staff was directed to research and prepare the legislation. Councilmember Segal stated that every Committee member had a reason for voting the way they did and many members thought it was an aesthetic issue more than a public health and safety issue. Councilmember Segal said that some of the existing property owners around Boone's Crossing and Chesterfield Airport Road also felt it was an aesthetic issue. Councilmember Flachsbart stated that we do need to recognize that there is a big safety issue since the purpose of holding up a sign at an intersection is to attract attention. Mr. Geisel said that the Committee also discussed the parallel to prior legislation passed several years ago that restricted soliciting in the rights-of-way because of safety concerns.

Mr. Richard Skoff arrived at the City Council meeting at 7:30 p.m. and Mayor Nations presented a PROCLAMATION to Mr. Skoff in recognition of his 19 years of service as a member of the Police Personnel Board. Mayor Nations stated that Mr. Skoff participated in the recruitment, selection, and hiring of 174 Police Officers and the promotion of 19 officers to various ranks within the Police Department. Chief of Police Ray Johnson commended Mr. Skoff for all of the hard work he did in assisting the Police Department. Councilmember Randy Logan, a former member of the Police Personnel Board, stated that it is a tremendous amount of work to serve on this Board. Councilmember Flachsbart stated that the Police Personnel Board selected "the very best of the best" candidates for the Police Department when the City was incorporated.

Finance and Administration Committee

Councilmember Randy Logan, Chairperson of the Finance and Administration Committee, reported that Bill No. 2801 [Recommends approval of a Proposed Neighborhood Improvement District (NID) for Chesterfield Hill] will be considered for adoption under the "Legislation" portion of the Agenda.

Councilmember Logan announced that the next meeting of this Committee has been scheduled for Monday, September 27, at 5:30 p.m.

REPORT FROM THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that Lulu McCabe Florist and Events, 8 Clarkson Wilson Center, has requested a new liquor license to sell liquor in original packages and wine tasting. Mr. Herring reported that this application has been reviewed and recommended for approval by the Departments of Planning/Public Works and Police. Councilmember Casey made a motion, seconded by Councilmember Erickson, to approve issuance of a new liquor license to Lulu McCabe Florist and Events. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for the replacement of a 15-year old fuel and tank monitoring system, at the Public Works Maintenance Facility. Based upon a review of the information provided by Public Works Director/City Engineer Brian McGownd, Mr. Herring joined with him in recommending award of a contract to Superior Equipment, for the provision and installation of a fuel and tank monitoring system, at the Public Works Maintenance Facility, at a total cost not-to-exceed \$60,000. Adequate funds exist within the FY2010 Budget to cover this entire amount. Councilmember Casey made a motion, seconded by Councilmember Fults, to award a contract to Superior Equipment in an amount not to exceed \$60,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

There was no New Business.

LEGISLATION

BILL NO. 2801 ESTABLISHES THE CHESTERFIELD HILL NEIGHBORHOOD IMPROVEMENT DISTRICT (**SECOND READING; FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Logan stated that he would recuse himself from making the motion for the second reading of this Bill since he is a resident of Chesterfield Hill. Councilmember Erickson made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2801. A voice vote was taken with an affirmative result (Councilmember Logan “abstained”) and the motion was declared passed. Bill No. 2801 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2801 with the following results: Ayes – Segal, Casey, Erickson, Nation, Flachsbart, Geiger and Fults. Nays – None. Abstentions – Logan. Whereupon Mayor Nations declared Bill No. 2801 approved, passed it and it became **ORDINANCE NO. 2622**.

LEGISLATION – PLANNING COMMISSION

BILL NO 2802 AMENDS THE CITY OF CHESTERFIELD ZONING ORDINANCE SECTION 1003.168.D.3 RELATED TO TEMPORARY SIGNS OR ATTENTION GETTING DEVICES BY ADDING LANGUAGE TO ADDRESS LIVING OR HUMAN SIGNS AND AMENDING CITY OF CHESTERFIELD ZONING ORDINANCE SECTION 1003.020 BY CREATING A DEFINITION FOR LIVING OR HUMAN SIGNS. (**SECOND READING; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Segal made a motion, seconded by Councilmember Geiger, for the second reading of Bill No. 2802. A voice vote was taken with a unanimous affirmative

result and the motion was declared passed. Bill No. 2802 was read for the second time. Councilmember Erickson asked if the City had received complaints about human signs. Councilmember Segal responded that the Committee had not received formal complaints. Councilmember Segal stated that when this issue was brought to the attention of the Committee, he sought the opinions of Staff and THF, who is the main property owner affected by this legislation, and THF felt that the aesthetics could be improved if human signs are not allowed in the rights-of-way. Councilmember Segal said THF is supportive of this legislation. Councilmember Fults stated that Ward IV residents have complained to her and these complaints led to the discussion at the Committee level. Councilmember Fults said the Committee vote was 2-1 on the issues of aesthetics and safety and both issues are being considered in her decision. Councilmember Fults stated that the current economy is affecting every business and that the City needs to keep its standards regarding aesthetics and safety. Councilmember Casey said he voted “no” at the Committee and intends to vote “no” on this legislation. Councilmember Casey stated that he does not feel that the City is addressing a public safety or an aesthetics issue. Councilmember Casey said City Council is addressing this issue because Councilmember Flachsbart asked that this issue be put on the Committee agenda and the City did not receive any petitions or a lot of complaints. Councilmember Flachsbart stated that he received complaints about living signs at Olive and Highway 141 and that is why he asked that this item be put on the Committee agenda. Councilmember Geiger said he received several complaints from residents and he also feels that this is an aesthetic and safety issue. Councilmember Segal stated that the Committee reviewed options and feels that this legislation is a good compromise that will not affect business economics. A roll call vote was taken for the passage and approval of Bill No. 2802 with the following results: Ayes – Erickson, Segal, Logan, Geiger, Fults, Nation and Flachsbart. Nays – Casey. Whereupon Mayor Nations declared Bill No. 2802 approved, passed it and it became **ORDINANCE NO. 2623**.

BILL NO 2803 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “FPNU” FLOOD PLAIN NON-URBAN DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR AN 8.7 ACRE TRACT OF LAND LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF S. OUTER 40 ROAD AND TIMBERLAKE MANOR PARKWAY (P.Z. 03-2010 SUBURBIA GARDENS {40-TIMBERLAKE SE, LLC}) (**SECOND READING; PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, AS AMENDED**)

Councilmember Segal made a motion, seconded by Councilmember Fults, for the second reading of Bill No. 2803. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2803 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2803 with the following results: Ayes – Segal, Erickson, Geiger, Flachsbart, Nation and Fults. Nays – Logan and

Casey. Whereupon Mayor Nations declared Bill No. 2803 approved, passed it and it became **ORDINANCE NO. 2624.**

BILL NO 2807 ADOPTS AND ENACTS THE BUILDING, RESIDENTIAL, EXISTING BUILDING, PROPERTY MAINTENANCE, MECHANICAL, ELECTRICAL, PLUMBING, AND EXPLOSIVES CODES OF ST. LOUIS COUNTY AS THE BUILDING, RESIDENTIAL, EXISTING BUILDING, PROPERTY MAINTENANCE, MECHANICAL, ELECTRICAL, AND EXPLOSIVES CODES OF THE CITY OF CHESTERFIELD, MISSOURI AND REPEALS PREVIOUS VERSIONS OF AFOREMENTIONED CODES. **(FIRST READING; PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Segal made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 2807. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2807 was read for the second time.

ADJOURNMENT

Mayor Nations adjourned the meeting at 8:03 p.m.

Mayor John Nations

ATTEST:

Judith A. Naggiar, City Clerk